

Local Form 4A

June 2015

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

In re:)	Case No. 15-31814
)	
Mathew R. Hughett)	
Shanna S. Hughett)	Chapter 13
)	
SSN#: XXX-XX-7613)	
SSN#: XXX-XX-4796)	
Debtor(s))	

AMENDMENT TO:

**CHAPTER 13 PLAN, INCLUDING NOTICE OF MOTION(S) FOR VALUATION;
MOTION(S) TO AVOID CERTAIN LIENS; MOTION(S) FOR ASSUMPTION AND
REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND NOTICE OF
OPPORTUNITY FOR HEARING ON CONFIRMATION OF THE PLAN INCLUDING ALL MATTERS AS
SET FORTH IN THE PLAN,
FOR CASES FILED ON OR AFTER JUNE 1, 2015**

Check for motions applicable to this plan amendment:

- ☐ Motion to Value Liens Includes Valuation of Property Securing a Claim
- ☐ Motion to Value Liens includes Valuation of Property Securing a Claim in an Amount Less than the Amount of the Claim
- ☐ Motion to Avoid Liens § 522(f)
- ☐ Motion to Assume Executory Contracts(s) and Unexpired Leases ☐ Motion to Reject Executory Contract(s) and Unexpired Leases
- ☒ No motions applicable to this plan amendment

The Chapter 13 Plan, including certain motions and other provisions, is hereby **amended** as follows:

PLAN PAYMENTS, PAYMENT INCREASES, ATTORNEY FEES

1. a. The plan proposes to pay \$ 125 per month for 36 months (est. payout to unsecureds ____%)
OR
for ____ % payout to unsecureds.
- b. If applicable, the plan will also be funded by
 - (i) The debtors will sell the property located at Lot#38, Wolf Creek Subdivision, Jackson County, NC and use the proceeds to provide a lump sum payment after satisfying the secured interest of the Bank of America of \$4,220.92 plus accrued interest, for the accrued arrearage under the SunTrust loan, administrative expenses, and junior claims. The property has a tax value of \$45,000 but the sale price will be determined at the time of the sale which may be lower than the tax valuation.
 - (ii) The debtors expect to receive tax refund payments for the tax years prior to 2014. The refunds may provide \$3,000 to \$5,000 to the estate for payment of administrative expenses, arrearage on the SunTrust Loan, and payment on junior claims.
 - (iii) The debtors will sell the Pearson sailboat. After satisfying dockage fees and sales related expenses, the balance realized on the sale will be paid to satisfy any outstanding arrearage on the SunTrust loan, administrative expenses and junior claims.
- c. The attorney for the debtor(s) has received \$ 3500 of the total base attorney fee of \$ 3500.

CLASSIFICATION AND TREATMENT OF CLAIMS

1. Secured Claims

- a. Treatment of Secured Claims [using treatment terms shown in ¶ 4a of the Plan attached]:

Creditor	Collateral	Value of Coll.	Claim Amt.	Treatment	Int. Rate (numeric)
SunTrust	110 Oak Hill Dr. Huntersville, NC 28078	\$271,660.00	\$239,112.07	Conduit	3%
Bank of America	Lot #38 Jackson County NC	\$ 45,000.00	\$ 4,229.92	Lump Sum	

- b. Monthly Conduit Payment

Creditor Monthly Conduit Payment

SunTrust Mortgage, Inc. \$1,510.41

c. Pre-petition arrearage, if any, to be paid through the Chapter 13 Trustee:

<u>Creditor</u>	<u>Collateral</u>	<u>Pre-petition arrearage</u>
SunTrust	110 Oak Hill Dr. Huntersville NC 8078	\$31,723.80

d. Pay interest on mortgage arrearage? Yes No X If yes, interest rate: %

Arrearage shall be paid through application of proceeds from sale of Lot#38 Wolf Creek subdivision, application of additional proceeds from sale of Pearson sailboat and tax refunds to the extent that the arrearage is not provided for in a loan modification agreement currently under negotiation with SunTrust.

Until satisfied through modification and application of funds from sale of Lot#38 Wolf Creek Subdivision, payments of the pre-petition arrearage will be made on a graduated basis over 36 months.

Months 1 through 6:	\$ 220.00 per month	\$ 1,320.00
Months 7 through 12	\$ 660.00 per month:	\$ 3,960.00
Months 13 through 36:	\$1,101.83 per month:	<u>\$26,443.80</u>
<u>Total Payment</u>		<u>\$31,723.80</u>

3.

Proceeds from sale of Lot#38 Wolf Creek subdivision will be used to pay the Craven County Tax Collector. Until paid, monthly payment will be \$11.69 under the plan. Payments on the DC DOR claim will be \$16.33 under the plan document

Priority Claims

a. Section 507(a)(2-10) Priority Claims other than DSO's

[] None **OR**

Name

Craven County Tax Collector
226 Pollock Street
New Bern NC 28560

\$420.45

NC DOR
PO Box 25000
Raleigh, NC 27640

\$588.00

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 Plan carefully, including any motions contained in the amended plan, and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm the proposed plan of the debtor or debtors ("Debtor") as amended, including any of the motions included in the amended plan, or if you want the Court to consider your views on these matters, then you or your attorney must file with the Court a written objection to confirmation and request for hearing on confirmation at the following addresses:

Cases filed in the **Charlotte, Shelby, or Statesville** Divisions:

Clerk, U.S. Bankruptcy Court, 401 West Trade St., Room 111, Charlotte, N.C. 28202

Cases filed in the **Asheville or Bryson City** Divisions:

Clerk, U.S. Bankruptcy Court, Room 112, 100 Otis Street, Asheville, N.C. 28801

Your objection to confirmation and request for hearing must include the specific reasons for your objection and must be filed with the Court no later than 14 days following the conclusion of the § 341 meeting of creditors, or within 14 days of service of the amendment, whichever is later. If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the Debtor at the address listed in the notice of the meeting of creditors. The Debtor's attorney and the Chapter 13 Trustee will be served electronically. If any objections to confirmation are filed with the Court, the objecting party will provide written notice of the date, time, and location of the hearing. No hearing will be held unless an objection to confirmation is filed.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the Debtor as amended, including any motions contained in the amended plan, and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).**

I declare under penalty of perjury that the information provided in the Amendment to Chapter 13 Plan, including Notice of Motion(s) for Valuation; Motion(s) to Avoid Certain Liens; and Motion(s) for Assumption and Rejection of Executory Contracts and Unexpired Leases; are true and correct as to all matters set forth herein.

Dated January 15, 2016

Mathew R. Hughett
Debtor's Signature

Dated January 15, 2016

Shanna S. Hughett
Debtor's Signature

I hereby certify that I have reviewed this document with the Debtor and that the Debtor has received a copy of this document.

Dated January 15, 2016

s/ Dennis O'Dea
Attorney for the Debtor